IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Civil Writ Petition No.640 of 2002.

Date of decision:04.01.2006.

B.B.M.Sr.Secondary School. **….Petitioner.**

Versus

State of H.P. & Others. **….Respondents.**

Coram

The Hon'ble Mr.Justice K C Sood,J.

Whether approved for reporting ?[1]

For the Petitioner: **Mr.Ajay Sharma, Advocate.**

For the Respondents: **Mr.Ashok Chaudhary, Additional Advocate General.**

K C SOOD,J.(Oral).

The petitioner in this petition claims grant-in-aid with regard to its high and Senior Secondary Wings of the School w.e.f. 1993-94, whereas the State has released such grant w.e.f. 1997-98.

It appears that the petitioner filed a petition in this Court for the grant of 95% grant-in-aid to the Schools listed in the Directory of Educational Institutions. The name of the petitioner institution admittedly found listed in this Directoraty. The writ petition (CWP No.81/97) was decided by a Division Bench of this Court on March 6, 1997 by directing the Director of Education, respondent No.2, in that petition, to consider the representation of the petitioner which was pending

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement?***

with that authority and pass appropriate orders in accordance with law within six weeks from that date. Petitioner was also allowed to furnish any additional facts and figures to the Director of Education, if so advised.

Pursuant to the directions of this Court, the Director of Education by its order dated 11th April, 1997 (Annexure P-2) took a view that school of the petitioner was amongst 144 schools reflected in the judgment of the Supreme Court in Civil Appeal No.1233-34 of 1993, decided on 10th May, 1995, but the name of this school was shown as Middle School, though original Directory of Educational Institutions as it stood on 31st March, 1992, the name of the school was shown as "Bharat Bhushan Memorial Middle School Indira Colony (Chhanwar)" Recognised. The school now is recognized as Senior Secondary School. The Director of Education in his order says that this school should have been included in the list of Senior Secondary Schools instead of Middle Schools as the school was running up to the Senior Secondary level at the time of publishing the said Directory. Accordingly, the representation was allowed for the release of 95% grant-in-aid for High and Senior Secondary Wings of this school. This order was given effect for the purpose of grant-in-aid from the academic session 1997-98.

Grievance of the petitioner, as noticed earlier, is that the grant-in-aid ought to have been released from the academic session 1993-94.

The respondents in their joint return say that 11 schools including the petitioner-school were allowed the release of salary of eligible staff of +2 and High wings by the Government vide communication dated 23.03.1999. The Government conveyed the sanction not with retrospective effect, but form the date the decision was taken by the Government. A clarification was given by the Government (Annexure R-2/2) saying that the matter has been examined and the 95% grant-in-aid is allowed to 11 schools including that of the petitioner prospectively and not retrospectively.

Mr.Chaudhary, learned Additional Advocate General, submits that the grant-in-aid is released by the Government for the reimbursement to the teaching staff to the extent of 95%. There is nothing in the writ petition that such pay at par with the Government was released to the teaching staff w.e.f. session 1993-94.

As the Government has taken a policy decision to release the grant-in-aid from the date indicated above to the petitioner-school I see no reason to interfere with the policy decision of the Government which cannot be said to be arbitrary.

No merit.

Dismissed.

January 4, 2006. **(K C Sood)**
(aks) **Judge.**